

REMARKS

Claims 1-16 are currently pending in the application. Applicant respectfully requests reconsideration of the application in view of the following remarks.

Claims 1 and 3 have been amended in two ways. The first amendment concerns the replacement of the feature “virtual three dimensional environment” with the feature “hierarchically organized menu system” and the second amendment concerns the replacement of the feature “one dimension” with the feature “a backwards direction in the hierarchically organized menu system.” The bases for these amendments are found in the specification approximately at page 1, lines 21-23 and page 7, line 13. A grammatical correction has been made to claim 5. New claims 11-16 have been added.

New claim 11 points out timing the specified duration; claim 12 points out further details of navigating backwards or not; and claim 13 points out the operation of the moveable physical member to activate a command at any chosen position in the hierarchically organized menu system (HOMS). New claims 14 and 15 point out additional features of the connection made be a finger; and claim 16 points out that the moveable physical member is depressable and arranged to activate a command at any chosen position in the hierarchically organized menu system when depressed. The subject matter of these new claims is disclosed in the specification.

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,621,483 to Wallace et al. (“Wallace”) in view of U.S. Patent No. 5,624,117 to Ohkubo et al. (“Ohkubo”) and further in view of Applicant’s Admitted Prior Art (“AAPA”).

Withdrawal of the rejection respectfully is requested.

Claim 1 points out a method for navigating in a hierarchically organized menu system. Such menu systems are well known. An example of such a device is a mobile telephone. The claim further points out a method of navigating a step backwards in this hierarchy of menus. Such a step usually is performed in the prior art by a user pressing a separate “Back” button, which is unique from the navigation element, for example, a joystick. According to the claimed invention, this step backwards is performed by lifting the user’s finger off the moveable physical member and replacing the finger on the same moveable physical

member within a predefined duration of time or, in other words, a predefined time period. No separate back button is needed for this function.

Neither Wallace, Ohkubo nor AAPA alone or in combination discloses or suggests the claimed method or apparatus.

Wallace discloses a device for navigating a pointer in a two-dimensional environment. The device includes an imaging surface on which a user can place a finger. A motion transducer measures the motion of a user's finger on the imaging surface. When the user removes the finger from the imaging surface, the pointer continues to move in the most recent direction and gradually decelerates until it is stopped. Wallace does not disclose or fairly suggest navigating in a hierarchically organized menu system (referred to below by the acronym "HOMS" for convenience), navigating in a backwards direction in the HOMS by removing a finger from a movable physical member and re-applying the finger to the movable physical member within a set time. Further, with regard to claim 3, Wallace does not disclose a timer for use in determining whether after having been removed from the user surface a finger has been re-applied before a timer counting limit had been reached.

Ohkubo discloses a game machine controller with keys that control the movement of an image subject displayed on a monitor screen in a three-dimensional environment. The controller comprises three separate mechanical input mechanisms, one for each degree of motion. As a game, the three-dimensional environment is the third dimension of a view to provide depth information, for example, giving a user more sense of reality as the user carries out a shooting function, than a two dimensional image would provide such a game. See the description at column 1, lines 8-22 and column 4, lines 64-66 of Ohkubo. Ohkubo does not disclose or fairly suggest navigating in a HOMS or navigating in a backwards direction in the HOMS by removing a finger from a movable physical member and re-applying the finger to the movable physical member within a set time. Further, with regard to claim 3, Ohkubo does not disclose a timer for use in determining whether after having been removed from the user surface a finger has been re-applied before a timer counting limit had been reached.

AAPA acknowledges that hierarchically structured menu systems are known. However, AAPA does not acknowledge any prior art disclosure of navigating in a HOMS or

navigating in a backwards direction in the HOMS by removing a finger from a movable physical member and re-applying the finger to the movable physical member within a set time. Further, with regard to claim 3, AAPA does not acknowledge any prior art disclosure of a timer for use in determining whether after having been removed from the user surface a finger has been re-applied before a timer counting limit had been reached.

All of the dependent claims depend directly or indirectly from either claim 1 or claim 3 and distinguish from Wallace, Ohkubo and AAPA for at least the above reasons. The dependent claims point out additional features of the invention and further distinguish from the prior art in view of those features.

In view of the foregoing, there is no *prima facie* obviousness of any of the claims. The prior art does not disclose or fairly suggest removing a finger from a movable physical member and re-applying the finger to the movable physical member within a set time to navigate in a HOMS or to navigate in a backwards direction in the HOMS. Further, with regard to the apparatus claims, the prior art does not disclose or fairly suggest a timer for use in determining whether after having been removed from the user surface a finger has been re-applied before a timer counting limit had been reached. Wallace does not disclose at least the features noted above and neither Ohkubo nor AAPA makes up for the deficiencies in Wallace.

In view of the foregoing, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness under 35 § 103(a).

For all the foregoing reasons, Applicant respectfully submits that the rejection of the claims should be withdrawn and the claims allowed.

Accordingly, it is believed that this application is in condition for allowance, and an early action to that end earnestly is solicited.

Request for telephone interview: If the Examiner does not determine that the application is in condition for allowance, Applicants' attorney respectfully requests the Examiner to telephone the undersigned attorney to schedule a telephone interview to discuss this matter.

In view of the above remarks, Applicant believes the pending application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

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